

**CITY OF NEVADA CITY
ACTION MINUTES
REGULAR CITY COUNCIL MEETING OF NOVEMBER 14, 2018**

NOTE: This meeting is available to view on the City's website www.nevadacityca.gov – Go to Quick Links and Click on Agendas & Minutes and find the Archived Videos in the middle of the screen. Select the meeting date and Click on Video to watch the meeting. For website assistance, please contact Loree' McCay, Deputy City Clerk at (530) 265-2496, ext 134.

- City Council Meetings are available on DVD. To order, contact City Hall - cost is \$15.00 per DVD.
- Closed Session Meetings are not recorded.

CLOSED SESSION – None

REGULAR MEETING – 6:30 PM - Call to Order

Roll Call: Present: Mayor Parker, Vice Mayor Senum, Council Members Minett, Strawser and (Moberg joined the meeting at 6:40 PM)

PLEDGE OF ALLEGIANCE

Mayor asked if there were any changes to the agenda. City Manager responded:

- Presentation to introduce new Firefighter Alex Otani is moved to a future agenda when the Fire Department is available due to mutual aid on outside area fires.
- Item 7.A Subject Matter: Extension of Urgency Interim Ordinance 2018-08 to Regulate Wireless Telecommunications Facilities in the Right of Way is continued to a special meeting date certain Tuesday November 20, 2018 at 8:00 AM
- Item 7.E Subject Matter: Traffic Study for the National Alley is being continued to a future agenda.

PROCLAMATIONS: Nevada Count Food and Toy Run Day on December 8, 2018 was read by Mayor Parker and received by Tom Stasser.

PRESENTATIONS:

A. Subject: Introduction of New Firefighter – Alex Otani was moved to a future agenda.

B. Subject: City Clerk, Niel Locke - Nisenan

BUSINESS FROM THE FLOOR

1. PUBLIC COMMENT (Per Government Code Section 54954.3)

Please refer to the meeting video on the City's website at www.nevadacityca.gov.

2. COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:

3. CONSENT ITEMS:

- A. **Subject:** Fire Activity Report – October 2018
Recommendation: Receive and file.
- B. **Subject:** Accounts Payable Activity Report – October 2018
Recommendation: Receive and file.
- C. **Subject:** Side Letter No. 4 to The Nevada City Police Officers Association (NCPOA) and Side Letter No. 1 to the Nevada City Police Supervisors Association (NCPSA) Memorandum Of Understanding (MOU) – Moving the Classification of Sergeant from the NCPSA MOU to the NCPOA MOU
Recommendation: : Review and approve Side Letter No. 4 to the City of Nevada City Police Officers Association (NCPOA) Memorandum of Understanding (MOU) and Side Letter No. 1 to the Nevada City Police Supervisors Association (NCPSA) moving the classification of Sergeant from the NCPSA MOU to the NCPOA MOU.
- D. **Subject:** Award of Contract for Sacramento Street Sewer Line Improvements in Nevada City
Recommendation: : Pass Resolution 2018-65 awarding a contract to Peter Schack Construction Engineering in the amount of \$38,300.00 plus \$6,000.00 in contingencies for Sacramento Street Sewer Line Improvements in Nevada City and authorize the Mayor to sign.
- E. **Subject:** Award of Contract for City Hall Roof Restoration in Nevada City
Recommendation: Pass Resolution 2018-66 awarding a contract to MCM Roofing Company, Inc. in the amount of \$45,346.00 plus \$4,500.00 in contingencies for City Hall Roof Restoration in Nevada City and authorize the Mayor to sign.
- F. **Subject:** Award of Contract for Paving at 775 Zion Street in Nevada City
Recommendation: Pass Resolution 2018-67 awarding a contract to C&D Construction in the amount of \$39,500 plus \$4,000 contingencies for Paving at 775 Zion Street and authorize the Mayor to sign.

Action: Motion by Strawser, seconded by Minett to approve Consent Items 3A-3F as presented.

(Approved 5 – 0)

4. APPROVAL OF ACTION MINUTES:

- A. City Council Meeting – October 24, 2018

Action: Motion by Senum, seconded by Moberg to approve October 24, 2018 minutes as presented.

(Approved 4 – 0, 1 Abstain-Strawser)

5. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

A. Subject: FY 17/18 4th Quarter Financials

Recommendation: Receive and file.

Action: No action. Receive and file.

B. Subject: Pay Scale for Temporary Parks & Recreation Employees

Recommendation: Pass Resolution 2018-68 approving the proposed Parks & Recreation pay scale for 2019.

Action: Motion by Strawser, seconded by Minett pass Resolution 2018-68 approving the proposed Parks & Recreation pay scale for 2019.

(Approved 5 – 0)

6. PUBLIC HEARINGS:

A. Subject: Swimming Pool Program Fees Update

Recommendation: Conduct a Public Hearing and upon conclusion pass Resolution 2018-69 to adjust fees for Swimming Pool Programs.

Action: Motion by Strawser, seconded by Minett to pass Resolution 2018-69 to adjust fees for Swimming Pool Programs.

(Approved 5 – 0)

B. Subject: Facility Rental Fees Update

Recommendation: Conduct a Public Hearing and upon conclusion pass Resolution 2018-70 to adjust fees for Bandshell rentals and update all Facility Rental fees to include \$10 Police Department fee for alcohol permit requests, \$25 Set-up and Clean-up fees and \$100 fee for a lost key.

Action: Motion by Moberg, seconded by Senum to pass Resolution 2018-70 to adjust fees for Bandshell rentals and update all Facility Rental fees to include \$10 Police Department fee for alcohol permit requests, \$25 Set-up and Clean-up fees and \$100 fee for a lost key.

(Approved 5 – 0)

C. Subject: Ordinance to Regulate Wireless Telecommunications Facilities in the Right of Way

Recommendation: Hold a Public Hearing and introduce by title only, and waive full reading of the ordinance, for first reading of an Ordinance Amending the Nevada City Municipal Code to add Chapter 17.150 entitled "Wireless Telecommunication Facilities in the Right of Way".

Action: Motion by Strawser, seconded by Senum to approve staff direction given to 1) make edits recommended by Scott Porter and Rusty Monroe and incorporate the changes to the Ordinance and 2) to continue item 6C to a date certain of December 12, 2018 at 6:30 PM.

7. OLD BUSINESS:

A. Subject: Extension of Urgency Interim Ordinance 2018-08 to Regulate Wireless Telecommunications Facilities in the Right of Way

Recommendation: Hold a Public Hearing, waive full reading, and adopt by title only, via a 4/5 roll call vote, an extension to the urgency ordinance entitled, "Ordinance to Extend the Existing Urgency Interim Ordinance 2018-08 of the City of Nevada City Temporarily Adding Chapter 17.150 to the Municipal Code, Entitled 'Wireless Telecommunications Facilities in the Right of Way'".

Action: Item 7A continued to a date certain of November 20, 2018 at 8:00 AM due to noticing requirements.

B. Subject: Update on Proposed Wastewater Rate Adjustment and Proposition 218 Notice

Recommendation: Review Proposed Alternative C Wastewater Rate Adjustment and Proposition 218 Notice.

Action: No action. Proceed to December 12, 2018 Regular City Council meeting.

C. Subject: Staff Provided Areas of Concern to Consider Prior to Approving Amendment Removing Medical-Only Restriction on Cannabis Dispensaries and Other Cannabis Businesses

Recommendation: Review and consider staff provided areas of concern before acting on amendments to cannabis regulations to allow adult use.

Action: Staff was directed to research the ability of identifying funding to potentially hire and overall Compliance Officer that would also be trained up to assist with the compliance of cannabis businesses. Also requested is that in the absence of the cannabis compliance expertise staff rely on existing contracted consultants (HdL and SCI Consulting). The City Council further directed staff to fine tune the background process and report back to City Council with an update on these items. There was not an interest by City Council to cap ancillary cannabis business types.

D. Subject: An Ordinance of the City of Nevada City Repealing and Re-enacting Chapter 9.22 of Title 9 of the Nevada City Municipal Code Entitled "Medical Cannabis Dispensaries and Other Cannabis Businesses and Activity" and Renaming it "Cannabis Dispensaries and Other Cannabis Businesses and Activity"; Amending Chapter 17.142 Entitled "Medical Cannabis Uses and Activity" and Renaming it "Cannabis Uses and Activity" to Allow Adult-Use for Businesses and Activities Previously Restricted to Medical-only; and Amending Sections 17.36.020, 17.40.020, and 17.48.020 (principal permitted uses in LB, GB, and LI zones) in Title 17 to Reflect the Amendment

Recommendation: Subsequent to considering staff provided areas of concern, decide whether to proceed by either referring Ordinance 2018-XX to the Planning Commission for its recommendation or commencing adoption by waiving reading of Ordinance, reading title only and introducing for first reading.

Action: Motion by Minett, seconded by Senum to commencing adoption by waiving reading of Ordinance, reading title only and introducing for first reading.

(Approved 4 – 1) Yes: Minett, Moberg, Parker & Senum No: Strawser - Roll Call Vote

E. Subject: Traffic Study for the National Alley

Recommendation: Review the Traffic Study based on a proposal by the owner of the National Hotel to vacate National Alley as a public roadway, provide staff direction on whether or not to proceed with environmental review pursuant to the California Environmental Quality Act (CEQA) and whether or not to proceed with safety reports from the Fire and Police Departments as previously requested by Council.

Action: Item 7E continued to a future agenda so project proposers can collect public input and field any concerns prior to the traffic study and future direction discussion.

8. NEW BUSINESS:

A. Subject: A Resolution of the City Council of the City of Nevada City, State of California, Authorizing Temporary Issuance of Cannabis Permits for Adult Use

Recommendation: If decided to move forward with the process to adopt an Ordinance allowing adult use of cannabis as well as medical, pass attached Resolution 2018-71 Temporary Issuance of Cannabis Permits for Adult Use.

Action: Motion by Senum, seconded by Minett to pass Resolution 2018-71 Temporary Issuance of Cannabis Permits for Adult Use with the Section 5 amendment changing the date from 12/31/2018 to 12/31/2019.

(Approved 5 – 0)

9. CORRESPONDENCE:

10. ANNOUNCEMENTS:

11. CITY MANAGER'S REPORT:

12. ADJOURNMENT: - 11:11 PM



David Parker, Mayor

ATTEST:



Niel Locke, City Clerk